

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PHIL LIFSCHITZ,

07 Civ. 10380

Plaintiff,

**JURY DEMAND**

-against-

EVERCEL, INC.,

Defendant.

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COUNSELORS:

PLEASE TAKE NOTICE, that plaintiff in the above matter hereby demand a trial by jury.

This is being served without prejudice to plaintiff's motion to remand but is simply to protect plaintiff's right to a jury trial.

Dated: New York, New York  
November 21, 2007

JAROSLAWICZ & JAROS, LLC  
Attorneys for Plaintiff  
225 Broadway, 24<sup>th</sup> Floor  
New York, New York 10007  
(212) 227-2780

By: s/David Jaroslawicz  
**David Jaroslawicz (6931)**

TO:

ROBINSON & COLE LLP  
Attorneys for Defendant  
885 Third Avenue, Suite 2800  
New York, New York 10022  
(212) 451-2900

**DECLARATION**

Rochelle Meyer, under the penalty of perjury, declares that the following is true and accurate.

That she is over eighteen years of age, is not a party to this action; and is employed by the attorney for the plaintiff(s) herein. That on November 19, 2007 she served the within:

**Jury Demand**

upon the following, at the address(es) designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

ROBINSON & COLE LLP  
Attorneys for Defendant  
885 Third Avenue, Suite 2800  
New York, New York 10022

Dated: New York, New York  
November 21, 2007

\_\_\_\_\_  
s/Rochelle Meyer  
Rochelle Meyer